

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1001 be amended to read as follows:

- 1 Page 6, between lines 30 and 31, begin a new paragraph and insert:  
2 "SECTION 6. IC 4-24-7-4, AS AMENDED BY P.L.246-2005,  
3 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JANUARY 1, 2009]: Sec. 4. ~~(a)~~ Accounts of state institutions  
5 described in ~~sections 1 and 3~~ of this chapter shall be paid as follows:  
6 (1) All such accounts shall be signed by the superintendent of  
7 such institution, attested to by the seal of the institution, and  
8 forwarded to the auditor of the county for payment from which  
9 county the inmate or patient was admitted.  
10 (2) All accounts accruing between January 1 and June 30 of each  
11 year shall be forwarded to the county auditor on or before October  
12 1 of such year.  
13 (3) All accounts accruing between July 1 and December 31 of  
14 each year shall be forwarded to the county auditor on or before  
15 April 1 of the following year.  
16 (4) Upon receipt of any such account, the county auditor shall  
17 draw a warrant on the treasurer of the county for the payment of  
18 the account, and the same shall be paid out of the funds of the  
19 county appropriated therefor.  
20 (5) The county council of each county of the state shall annually  
21 appropriate sufficient funds to pay such accounts.  
22 ~~(b) All accounts of state institutions described in section 2 of this~~  
23 ~~chapter shall be paid as follows:~~  
24 ~~(1) All such accounts shall be signed by the superintendent of the~~

institution, attested to by the seal of the institution, and forwarded to the auditor of the county for payment from the county from which the inmate was admitted.

(2) All accounts accruing after December 31 and before April 1 of each year shall be forwarded to the county auditor on or before May 15 of that year.

(3) All accounts accruing after March 31 and before July 1 of each year shall be forwarded to the county auditor on or before August 15 of that year.

(4) All accounts accruing after June 30 and before October 1 of each year shall be forwarded to the county auditor on or before November 15 of that year.

(5) All accounts accruing after September 30 and before January 1 of each year, and any reconciliations for previous periods, shall be forwarded to the county auditor on or before March 15 of the following year.

(6) Upon receipt of an account, the county auditor shall draw a warrant on the treasurer of the county for the payment of the account, which shall be paid from the funds of the county that were appropriated for the payment.

(7) The county council of each county shall annually appropriate sufficient funds to pay these accounts.

If a county has not paid an account within six (6) months after the account is forwarded under this subsection, the auditor of state shall, notwithstanding anything to the contrary in IC 6-1.1-21, reduce the next distribution of property tax replacement credits under IC 6-1.1-21 to the county and withhold the amount owed on the account. The auditor of state shall credit the withheld amount to the state general fund for the purpose of curing the default. The account is then considered paid. A county that has the county's distribution reduced under this subsection shall apply the withheld amount only to the county unit's share of the distribution and may not reduce a distribution to any other civil taxing unit or school corporation within the county."

Page 215, after line 42, begin a new paragraph and insert:

"SECTION 205. IC 11-12-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 9. (a) **Except as otherwise provided in this section**, a county receiving financial aid under this chapter shall be charged a sum for each person committed to the department of correction and confined in a state correctional facility equal to seventy-five percent (75%) of the average daily cost of confining a person in certain state correctional facilities as calculated by the state board of accounts. The daily cost is determined by dividing the average daily population of the state prison, the Pendleton Correctional Facility, and the Putnamville Correctional Facility into the previous fiscal year's operating expense of those three (3) facilities and reducing the quotient to an average daily cost. However, no charge may

be made for those persons:

(1) convicted of:

(A) murder or a Class A or Class B felony;

(B) involuntary manslaughter, reckless homicide, battery, criminal confinement, child molesting, robbery, burglary, or escape as Class C felonies;

(C) any other felony resulting in bodily injury to any other person;

(D) any other felony committed by means of a deadly weapon;

(E) any felony for which an habitual offender sentence was imposed;

(F) any offense for which the sentence is nonsuspendible under IC 35-50-2-2(a); or

(G) dealing in marijuana as a Class D felony under IC 35-48-4-10(b)(1)(B) or a Class C felony under IC 35-48-4-10(b)(2);

(2) transferred to the department of correction after they have violated the terms of their community corrections sentence; or

(3) who were charged with:

(A) a felony resulting in serious bodily injury; or

(B) a felony committed by means of a deadly weapon;

and the sentencing court noted on the commitment order that such charges were dismissed pursuant to a plea agreement under IC 35-35-3; or

**(4) who are committed to the department as a delinquent offender (other than a delinquent offender whose commitment is prohibited under IC 31-37-19-7).**

(b) The amount charged a county under this section may not exceed the amount of financial aid received under this chapter. The amount charged shall be deducted from the subsidy payable to the participating county. All charges are a charge upon the county of original jurisdiction.

~~(c) Notwithstanding subsection (a), if a county receives financial aid under this chapter for a program or a facility for persons convicted of crimes but has not received financial aid under this chapter for a program or a facility for delinquent offenders, the costs of keeping delinquent offenders in state programs or facilities operated by the department of correction shall be paid under IC 11-10-2-3.~~

~~(d) Notwithstanding subsection (a), if a county receives financial aid under this chapter for a program or a facility for delinquent offenders but has not received financial aid under this chapter for a program or a facility for persons convicted of crimes, the costs of keeping persons convicted of crimes in state programs or facilities operated by the department of correction shall be paid by the department of correction.~~

~~(e) Notwithstanding subsection (a); (c) No charge may be made for:~~

(1) the initial twelve (12) months of the county's participation in

the subsidy program;

(2) each month during which:

(A) the county maintains a residential facility or a portion of a residential facility as part of its community corrections plan; and

(B) the residential facility or the community corrections portion of the residential facility operates at the rated bed capacity specified in the county's community corrections plan; or

(3) each month during which a county that has no residential facility as part of its community corrections plan operates a community corrections program at the offender-supervisor ratio specified by the plan.

~~(f)~~ **(d)** A county fulfills the rated bed capacity requirement of subsection ~~(c)(2)~~ **(c)(2)** if the following conditions are met:

(1) Each bed used in the calculation of rated bed capacity must be filled each day of the month unless a vacancy occurs because of the release, escape, or incarceration of the bed's occupant.

(2) A vacancy that occurs because of the release, escape, or incarceration of the occupant of a bed used in the calculation of rated bed capacity must be filled within two (2) days after its occurrence.

~~(g)~~ **(e)** A county fulfills the offender-supervisor ratio requirement of subsection ~~(c)(3)~~ **(c)(3)** if the following conditions are met:

(1) Each opening used in the calculation of the offender-supervisor ratio specified in the community corrections plan must be filled each day of the month unless a vacancy occurs because of the release, escape, or incarceration of an offender.

(2) A vacancy that occurs because of the release, escape, or incarceration of an offender must be filled within two (2) working days after its occurrence."

Page 244, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 242. IC 11-10-2-3 IS REPEALED [EFFECTIVE JANUARY 1, 2009]."

Page 249, between lines 33 and 34, begin a new paragraph and insert:

**"SECTION 251. [EFFECTIVE JANUARY 1, 2009] (a) A county may not impose a property tax levy after December 31, 2008, for the county general fund to the extent that the levy is for the reimbursement of the department of correction under IC 11-10-2-3 or a related provision for the costs of keeping delinquent offenders.**

**(b) The obligation to pay the costs of keeping delinquent offenders (as defined in IC 11-8-1-9) (to the extent that the costs are for services delivered after December 31, 2008) is transferred from the counties to the state. The obligation transferred includes**

1 the costs of using after December 31, 2008, an institution or a  
2 facility in Indiana for providing educational services that, before  
3 January 1, 2009, were chargeable to a county family and children's  
4 fund, a county office, or a county under IC 20-26-11-12,  
5 IC 20-26-11-13, and IC 20-33-2-29.

6 (c) The following definitions apply throughout this subsection:

7 (1) "Account" means an obligation of a county under  
8 IC 11-10-2-3 (before its repeal by this act) or another law to  
9 reimburse the state, including the department of correction,  
10 for the cost of keeping a delinquent offender before January  
11 1, 2009.

12 (2) "Delinquent account" means an account that has not been  
13 paid to the state before six (6) months after the account is  
14 forwarded under this SECTION or IC 4-24-7-4 (before its  
15 amendment by this act).

16 All accounts accruing before January 1, 2009, and not previously  
17 forwarded to a county auditor, and any reconciliations for any  
18 period before January 1, 2009, shall be forwarded to the county  
19 auditor before March 16, 2009. Upon receipt of an account, the  
20 county auditor shall draw a warrant on the treasurer of the county  
21 for the payment of the account, which shall be paid from the funds  
22 of the county that were appropriated for the payment. The county  
23 council of each county shall annually appropriate sufficient funds  
24 to pay these accounts. The department of correction may reduce  
25 the amount of financial aid otherwise due to a county under  
26 IC 11-12-2 and offset the reduction against any part of the amount  
27 of a delinquent account due from the county.

28 (d) A county and the department of correction may enter into  
29 agreements to resolve any issues arising under this act concerning  
30 payments to vendors, payments to the county, payments to the  
31 state, collection of amounts due to a county or the state from a  
32 parent, guardian, or custodian, and other matters affected by this  
33 act. Notwithstanding this act, the agreement, if approved by the  
34 governor and the county fiscal body, governs the responsibilities of  
35 the state and the county.

36 (e) This SECTION applies notwithstanding any other law.

37 SECTION 252. [EFFECTIVE JULY 1, 2009] In addition to the  
38 amount appropriated to the department of correction in  
39 P.L.234-2007, there is appropriated to the department of  
40 correction a sufficient amount from the state general fund to  
41 replace the revenue lost to the department of correction, after  
42 December 31, 2008, and before July 1, 2009, for keeping delinquent  
43 offenders, as determined by the budget agency, from the repeal of  
44 IC 11-10-2-3 and related provisions by this act, beginning January  
45 1, 2009, and ending June 30, 2009. The amount appropriated by  
46 this subsection shall be used for keeping delinquent offenders in the  
47 same manner as proceeds from counties would have been used."

- 1       Renumber all SECTIONS consecutively.
- 2       (Reference is to HB 1001 as printed January 17, 2008.)

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Representative Crawford